



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 14.8

Subject: Child Protective Services Safety Plans and Non-Custodial Petitions

Supersedes DCS 14.8, 04/01/01

Local Policy: No

Local Procedures: No

Training Required: No

Approved by:

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Application

To All Department of Children's Services Case Managers, Team Leaders, Team Coordinators, And Legal Counsel Performing Tasks In The Child Protective Services Program.

Authority: TCA 37-1-406, 37-5-106

Policy

If in the course of conducting a child protective services investigation a case manager assesses a child to be at risk of imminent harm, he/she shall take actions necessary to ensure the safety of the child. The case manager must first consider the feasibility and practicality of a temporary family-based safety plan. Any safety plan that involves a child leaving his/her residence, having a parent leave his/her residence, or in any way restricts contact between a child and parent/caretaker must have the prior approval of the team leader and a DCS attorney.

Procedures

A. Assessing risk of harm

The case manager shall consider every factor listed in the CPS Strength and Risk Assessment in assessing the risk of harm to a child. If the risks endanger the life, health or well being of a child, the case manager shall consult with his/her team leader to discuss safety options. Intervention may be necessary when one or more risk factors are assessed as follows:

1. **History of Abuse and Neglect Factors** - There is evidence of past maltreatment that was life endangering or threatened the health and development of the child. There is a pattern of abuse or neglect suggesting parental behaviors that have developed over time.
2. **Child Factors** - The child is vulnerable due to age, health, developmental level, problematic behaviors, or difficulty in the parent-child relationship.
3. **Parent Factors** – The behavior or conditions of the parent(s) present a threat of harm to the child and there is no evidence of sufficient family strength to counter the behavior or condition.
4. **Environmental Factors** – There are significant problems in the home environment or isolation from family support systems. There are no appropriate relatives available to provide care for the child.
5. **Service Provision Factors** – Parents have had the opportunity to participate in services to reduce risks but these services have made no appreciable change.

**B. Definition of
temporary safety
plans**

1. A temporary safety plan is an intrusive course of action that parents/ caretakers agree to follow to ensure the safety of the child. These plans may be voluntary or court ordered. Temporary safety plans may include, but are not limited to, options such as:
 - a) Having the child stay with relatives or friends until the investigation is complete;
 - b) Suspending visitation with one of the parties until the investigation is complete;
 - c) Having the alleged perpetrator leave the home until the investigation is complete.
2. The temporary safety plan must:
 - a) Be a written document maintained in the case file with a copy to the parent(s), any other person signing the form and the DCS regional attorney (Form CS-0515, *Safety Plan or Plan of Action*, may be used for this purpose);
 - b) State the allegations necessitating the safety plan;
 - c) Specify which parties will take which action to ensure the safety of the child;
 - d) Specify the date through which the plan shall be in effect or shall be re-negotiated;

- e) Be dated and signed by the parents/caretakers, all other parties involved, and the case manager.

3. Documentation

- a) Utilize the TN Kids safety plan box for the date.
- b) Document in the case recording that the plan was developed and signed by all parties involved.

C. Authorization to make and implement a temporary safety plan

1. If a case manager encounters a situation where emergency intervention is needed in order to ensure the safety of the child, he/she must immediately discuss this matter with the team leader.
2. If the team leader agrees that the situation constitutes a threat of imminent harm, the team leader shall immediately discuss the situation with DCS legal counsel for advice, consultation, and approval.
3. Under no circumstances shall a case manager make and implement a temporary emergency safety plan without conferring with a team leader and without the consultation with DCS legal counsel.
4. In situations where the family members are asked to make significant changes in their lifestyles or living arrangements, or where one member of the family should be restrained from contact with other family members, the case manager and team leader shall consult with legal counsel. The purpose of this consultation is to consider petitioning the Juvenile Court for an order to implement the safety plan. This action conveys the seriousness of the situation, puts more strength in the safety agreement, and ensures parents due process.
5. The case manager shall provide a copy of the safety plan to the DCS Legal Counsel if the plan is not formalized in a court proceeding.

D. Petitioning solely for adjudication

In some indicated cases it may be desirable to petition the Juvenile Court for adjudication even though commitment to state custody is not necessary. The case manager and team leader shall consider this option solely for the purpose of seeking an adjudication of a child as a victim of child abuse or neglect and the naming of the responsible party. Obtaining an adjudication can provide legal protections for the child and may be beneficial in future efforts to achieve safety and permanency for children.

**E. Petitioning for an
adjudication and
disposition with
relatives**

1. If the child cannot safely remain in the home, the case manager shall seek family members or other possible caretakers that are known to the child.
2. If such parties are located the case manager shall determine if the person(s) can provide protection for the child. If an appropriate caretaker is located, the DCS case manager shall confer with the team leader and DCS legal counsel regarding filing a petition for an adjudication and a disposition for legal and physical custody with relatives to obtain custody of the child.
3. DCS shall not advise potential caretakers to file their own petitions if the change of custody is due to safety concerns, unless directed otherwise by legal counsel. Refer to DCS Policy 14.9, *Child Protective Services Emergency and Non-Emergency Removals* (section G).

**F. Petitioning for
court ordered
services**

If the case manager encounters a situation where the level of overall risk to the child is high or intermediate and services are available to reduce risk and prevent removal, he/she shall consult with the team leader and DCS legal counsel about the possibility of petitioning the court for the family to receive court ordered services. This action may be desirable if one or more of the following conditions exist:

1. The risk to the child remains high or intermediate;
2. There is time to pursue this option without immediate risk to the child's life or health;
3. There are services available that could reduce the risk;
4. The parent is refusing to participate and/or does not recognize that a problem exists;
5. There is reason to believe the parent would comply with a court order;
6. There is no less drastic way to engage the parent in accepting services;
7. Removing the child may be necessary without this intervention.

Forms/Templates

CS-0515 Safety Plan or Plan of Action

Collateral Documents

None

Standards

None